MC 865/2007

BEFORE

THE HON'BLE MR JUSTICE RANJAN GOGOI

By an order dated 12.2.2007 Lengtisinga-Bortari-Santoshpur (Manas) Commercial Cargo Cum Passenger Service (hereinafter referred to as Ferry Service) was settled with the petitioner for a period of one year w.e.f. 7.3.2007 to 6.3.2008. On 20.2.2007, the said order of settlement was kept in abeyance. By an order passed on the same date, the Respondent No.6, who is stated to be the previous lessee, was allowed to run the Ferry Service for a period of 6 months w.e.f. 7.3.2007 to 6.9.2007. Aggrieved, writ petition No. 1037/07 out of which this misc. application has arisen was filed. By its interim order dated 5.3.2007 this Court had suspended operation of both the orders dated 20.2.2007, as noticed above. According to the petitioner, inspite of the aforesaid order of the Court dated 5.3.2007 he has not been allowed to operate the Ferry Service. Hence this misc. petition.

The instructions received by the learned Standing Counsel, Transport Deptt, as placed before the Court, are to the effect that the settlement of the Petitioner to run the Ferry Service

was kept in abeyance and the earlier lessee i.e. the Respondent No.6 was allowed to continue for a further period of 6 months, on account of a public petition demanding such an arrangement. If the order keeping the settlement of the petitioner in abeyance as well as the order allowing the Respondent No.6 to run the Ferry Service, both dated 20.2.2007, have been suspended by the Court by its interim order dated 5.3.2007,it is difficult to visualize as to how the further action of the Respondents can be contrary to what is required to be done pursuant to this Court's interim order dated 5.3.2007.

In the above circumstances, I am of the of the view that the Respondents are liable to be directed to allow the petitioner to operate the Ferry Service forthwith and without any delay till such time that contrary orders are not passed and recorded by the Court. It is, therefore, ordered accordingly.

Misc. application consequently is allowed.